IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2696 OF 2004

Shri Rohidas Bapu Dalvi & Anr. ...Petitioners.

V/s

Shri Pravin Eknath Chinchkar
and anr. ...Respondents.

Mr. Sanjiv A. Sawant for the petitioners.
Mr. Vilas B. Tapkir for respondent No.1.
Mr. A.S. Shitole, APP for the State.

CORAM: V.M.KANADE,J.
DATE : 19th April, 2005.

P.C.

1. Heard the learned counsel for the petitioners and the learned Counsel for respondent No.1.

2. In the present case, from the perusal of the complaint, it can be seen that the cheque has been signed by petitioner No.1 and not by petitioner No.2 who is his wife. There is no averment in the complaint that petitioner Nos. 1 and 2 are partners of the Partnership Firm. In the absence of any averments in the complaint to that effect, the provisions of section 141 of the Negotiable Instruments Act are not attracted. In these circumstances, petitioner No.2 cannot be arraigned as accused in the complaint. The process issued against the petitioner No.2 is, therefore, quashed. All other

contentions raised in this petition are kept open. Trial Court to decide the Criminal Case as expeditiously as possible and, in any case, within a period of six months.

3. Criminal Writ Petition is disposed of in the above terms.

V.M. KANADE, J.